

**United States Court of Appeals for the Second Circuit**  
**Thurgood Marshall U.S. Courthouse**  
**40 Foley Square**  
**New York, NY 10007**

**DEBRA ANN LIVINGSTON**  
CHIEF JUDGE

Date: August 23, 2023  
Docket #: 23-6305  
Short Title: National Labor Relations Board v. Blue  
School

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Originating Case #:  
Agency: NLRB

**NOTICE OF DEFECTIVE FILING**

On August 9, 2022, the BRIEF, on behalf of Respondent Blue School, was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*)
- Failure to file the Record on Appeal (*FRAP 10, FRAP 11*)
- Missing motion information statement (*T-1080 - Local Rule 27.1*)
- Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- Improper proof of service (*FRAP 25*)
  - Missing proof of service
  - Served to an incorrect address
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- Failure to submit document in digital format (*Local Rule 25.1*)
- Not Text-Searchable (*Local Rule 25.1, Local Rules 25.2*), click [here](#) for instructions on how to make PDFs text searchable
- Failure to file appendix on CD-ROM (*Local Rule 25.1, Local Rules 25.2*)
- Failure to file special appendix (*Local Rule 32.1*)
- Defective cover (*FRAP 32*)**
  - Incorrect caption (*FRAP 32*)** *NOTE: The caption must be identical to the one in the Court of appeals 2<sup>nd</sup> Circuit.*
    - Wrong color cover (*FRAP 32*)
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- Incorrect pagination, click [here](#) for instructions on how to paginate PDFs (*Local Rule 32.1*)**
  - Incorrect font (*FRAP 32*)

- Oversized filing (*FRAP 27 (motion), FRAP 32 (brief)*)
- Missing Amicus Curiae filing or motion (*Local Rule 29.1*)
- Untimely filing
- Incorrect Filing Event

**X Other: In order to submit a Page Proof Brief, you must first seek permission from the court through Motion. In addition, please submit 6 new paper copies of the Brief to the Court.**

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than **August 25, 2023**. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8525.